

103^D CONGRESS
2^D SESSION

H. RES. 392

Expressing the sense of the House that the Governor of the State of California, or the California Board of Prison Terms, or both, should take actions within their power to bring about the reconsideration of the 1972 conviction and/or the immediate release from prison of Elmer “Geronimo” Pratt, and that the Judiciary Committee should inquire into the information known to the Federal Bureau of Investigation, which was not released to the California Attorney General and courts in 1980.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1994

Mr. DELLUMS submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Expressing the sense of the House that the Governor of the State of California, or the California Board of Prison Terms, or both, should take actions within their power to bring about the reconsideration of the 1972 conviction and/or the immediate release from prison of Elmer “Geronimo” Pratt, and that the Judiciary Committee should inquire into the information known to the Federal Bureau of Investigation, which was not released to the California Attorney General and courts in 1980.

Whereas Elmer “Geronimo” Pratt, a former Black Panther Party leader in Southern California, was convicted and

sentenced to life in prison in 1972 for murder, assault, and robbery;

Whereas Elmer “Geronimo” Pratt maintains he did not commit these crimes and asserts his innocence would be proven through the release of the Federal Bureau of Investigation surveillance records;

Whereas the Federal Bureau of Investigation engaged in illegal and unconstitutional conduct in an effort to neutralize and destroy the Black Panther Party and its leadership, including Elmer “Geronimo” Pratt;

Whereas the Federal Bureau of Investigation actively sought to bring about the arrest and conviction of Elmer “Geronimo” Pratt and other Black Panther Party leaders through its counterintelligence program (commonly referred to as “COINTELPRO”), in order to achieve its purpose of disrupting the Black Panther Party, whether or not facts existed to substantiate the charges made;

Whereas the Federal Bureau of Investigation withheld evidence from the prosecutor, police, Elmer “Geronimo” Pratt, his attorneys and the jury at this trial, and knowingly allowed their informant Julius Butler, informant numbered 170-1259 to deny that he was an informant or had ever worked for the Federal Bureau of Investigation at Pratt’s trial, and by so doing effectively denied him his fundamental constitutional right to a fair trial, in violation of the guarantees of due process and the equal protection of the laws;

Whereas Federal Bureau of Investigation wrongdoing in the case of Elmer “Geronimo” Pratt has been established through exhaustive examination of thousands of pages of official Federal Bureau of Investigation documents ob-

tained under the Freedom of Information Act and subsequently corroborated by the sworn testimony of a retired Federal Bureau of Investigation special agent who has personal knowledge of that wrongdoing;

Whereas Amnesty International, the London based human rights organization, after undertaking a thorough review of the evidence in the case of Elmer “Geronimo” Pratt, concluded that “COINTELPRO” involved abuses of the criminal justice system and that “there were signs of misconduct by the Federal Bureau of Investigation in the handling of (Pratt’s) case”;

Whereas Elmer “Geronimo” Pratt has spent over eighteen years in prison pursuant to his arrest and conviction for a State offense accomplished without disclosure to the prosecutor, court, jury and Pratt and his counsel of the fact that he was targeted by the Federal Bureau of Investigation’s “COINTELPRO” program, and that the primary witness against him was a “COINTELPRO” informant for the Federal Bureau of Investigation; and

Whereas it is appropriate to rectify the gross injustice before doing so would be reduced to a meaningless posthumous gesture: Now, therefore, be it

- 1 *Resolved*, That it is the sense of the House that—
- 2 (1) Elmer “Geronimo” Pratt, convicted of mur-
- 3 der, assault, and robbery charges in a California
- 4 State court in 1972, did not receive a fair trial be-
- 5 cause of secret Federal Bureau of Investigation ef-
- 6 forts to discredit Elmer “Geronimo” Pratt, by the
- 7 dissemination of false information about him and

1 Federal Bureau of Investigation concealment of the
2 informant status of the primary witness against him;

3 (2) comprehensive congressional inquiries are
4 warranted in order to ascertain the full extent of in-
5 formation which was withheld from the California
6 court's and prosecuting authorities in 1980; and

7 (3) the Governor of the State of California, or
8 the California Board of Prison Terms, or both,
9 should take actions within their power to bring
10 about the reconsideration of the 1972 conviction
11 and/or the immediate release from prison of Elmer
12 "Geronimo" Pratt, and that the Judiciary Commit-
13 tee should inquire into the information known to the
14 Federal Bureau of Investigation, which was not re-
15 leased to the California Attorney General and courts
16 in 1980.

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